

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Guy I. Greene,

File No. 23-cv-155 (ECT/DLM)

Petitioner,

v.

**ORDER ACCEPTING REPORT
AND RECOMMENDATION**

Keith Ellison,

Respondent.

Petitioner Guy I. Greene commenced this action pro se by filing a petition for a writ of habeas corpus. ECF No. 1. The case is before the Court on a Report and Recommendation [ECF No. 13] issued by Magistrate Judge Douglas L. Micko. Magistrate Judge Micko recommends dismissing Greene’s petition based on Greene’s failure to exhaust state-court remedies. R&R at 5–6. Greene filed a “response” to the Report and Recommendation, which is essentially his objections. ECF No. 14. Respondent did not file a response to Greene’s objections. *See generally* Dkt. Because Greene has objected, the Court is required to review the Report and Recommendation de novo pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.2(b)(3). The Court has undertaken that de novo review and has concluded that Magistrate Judge Micko’s analysis and conclusions are correct.

Therefore, based upon all of the files, records, and proceedings in the above-captioned matter, **IT IS ORDERED THAT:**

1. Petitioner's Objections to the Report and Recommendation [ECF No. 14] are **OVERRULED**;

2. The Report and Recommendation [ECF No. 13] is **ACCEPTED** in full;

3. Petitioner's Application to Proceed in District Court without Prepaying Fees or Costs [ECF No. 2] and Motion for the Appointment of Counsel [ECF No. 9] are **DENIED as moot**;

4. The Petition for a Writ of Habeas Corpus [ECF No. 1] is **DISMISSED WITHOUT PREJUDICE**; and

5. No certificate of appealability shall issue.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: July 7, 2023

s/ Eric C. Tostrud
Eric C. Tostrud
United States District Court